

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SUSAN LEVY,

Plaintiff,

-against-

BASF METALS LIMITED, BASF
CORPORATION, GOLDMAN SACHS
INTERNATIONAL, GOLDMAN SACHS GROUP,
INC., GOLDMAN SACHS & CO. GOLDMAN
SACHS EXECUTION & CLEARING, LP, HSBC
BANK USA, NA, ICBC STANDARD BANK PLC,
UBS AG, UBS SECURITIES LLC, LONDON
PLATINUM AND PALLADIUM FIXING
COMPANY LTD., and John Does #1-20,

Defendants.

No. 15-cv-7317-GHW

**DECLARATION OF DR.
VASILEIOS VERGOPOULOS IN
SUPPORT OF BASF METALS
LIMITED'S MOTION TO
DISMISS**

I, DR. VASILEIOS VERGOPOULOS, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury under the laws of the United States of America as follows:

1. I am the Vice President Commercial & General Manager for defendant BASF Metals Limited. I submit this declaration in support of the motion by BASF Metals Limited to dismiss for lack of personal jurisdiction and failure to state a claim.

2. BASF Metals Limited is a private company organized under the laws of the United Kingdom and headquartered in London, England. BASF Metals Limited does not have offices or operations in New York or anywhere else in the United States.

3. BASF Metals Limited is an indirect but wholly-owned subsidiary of BASF SE, which is a public company organized under European law and headquartered in Germany.

BASF SE shares do not trade on any New York exchange. BASF SE has never been incorporated in New York, has never maintained a principal place of business within New York, and has never been authorized to transact business within New York as a foreign corporation.

4. BASF Metals Limited is a member of The London Platinum and Palladium Fixing Company, Ltd. ("LPPFC"), and is a full member of The London Platinum and Palladium Market ("LPPM").

5. The BASF Metals Limited employees who participated in the twice-daily fixing auctions for platinum and palladium administered by the LPPFC, up until those auctions were discontinued in or around December 2014, were based in the London, England offices of BASF Metals Limited.

6. BASF Metals Limited does not participate in price establishing auctions for any other precious metal or commodity.

7. BASF Metals Limited is not a direct or indirect parent or subsidiary of BASF Corporation.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 17 day of February, 2016.



Dr. Vasileios Vergopoulos